

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:20-cv-00547

NLA Interests LLC,

Plaintiff,

v.

Johnny Johnson,

Defendant.

ORDER

Plaintiff NLA Interests LLC filed this eviction case in Texas state court, and defendant Johnny Johnson properly removed it. Doc. 1. This case was referred to United States Magistrate Judge K. Nicole Mitchell under 28 U.S.C. § 636(b). Plaintiff filed a motion to dismiss (Doc. 8) and defendant filed a response stating that he was not opposed to the plaintiff's motion. Doc. 9.

The magistrate judge issued a report liberally construing the pro se plaintiff's filing as a motion to dismiss under Federal Rule of Civil Procedure 41(a)(2). Doc. 11. The magistrate judge recommends granting the plaintiff's motion after finding that any potential factors that could cause the non-movant to suffer prejudice do not apply. *Id.* Neither party objected to the report and recommendation.

When no party objects to the magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court **accepts** the report and recommendation and **grants** the plaintiff's motion to dismiss. Doc. 8. Plaintiff's claims are **dismissed without prejudice**.

So ordered by the court on March 8, 2021.

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER
United States District Judge